



IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

INSTRUCTIONS FOR FILING COMPLAINT BY PRISONER UNDER
CIVIL RIGHTS ACT, 42 U.S.C. § 1983

1. This complaint must be legibly handwritten or typewritten and signed by the plaintiff. Any false statement of material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
2. This packet includes three (3) copies of a complaint form and one (1) copy of an *in forma pauperis* affidavit.
3. In order for this complaint to be filed, it must be accompanied by the filing fee of \$350.00 (28 U.S.C. § 1914(a)) and a \$50.00 administrative fee. If you do not have the necessary filing fee, you may request permission to proceed *in forma pauperis*. Please complete the enclosed affidavit setting forth information establishing your inability to prepay the fees and costs.
4. When these forms are complete, they must be mailed to the Clerk of the United States District Court for the Eastern District of Virginia. The address is listed below:

United States District Court
Eastern District of Virginia
701 East Broad Street
Suite 3000
Richmond, Virginia 23219-3528

5. Complaints that do not conform to these instructions will be returned with a notation as to the deficiency:
6. **ALL COPIES OF THE COMPLAINT MUST BE IDENTICAL. DO NOT MAIL THE FORMS TO A SPECIFIC JUDGE.**

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:18cv851 (AJT/JFA)
(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Mitchell Young (b) 37461
(Name) (Inmate number)
- (c) 500 Folar Trail
(Address)
- North Prince George, VA 23860

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Jeffery Newton (b) Superintendent
(Name) (Title/Job Description)
- (c) 501 Folar Trail
(Address)
- North Prince George, VA 23860



2. (a) Sgt. Spratley (Name) (b) Inmate Grievance Officer (Title/Job Description)
(c) 500 Folar Trail (Address)
North Prince George VA 23860
3. (a) Sgt. Talley (Name) (b) Housing Unit 3 officer / Inmate Grievance (Title/Job Description)
(c) 500 Folar Trail (Address)
North Prince George, VA 23860

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

Amended Defendant List

7/28/18

Sgt. Armistead
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3 Sgt.

Sgt. Jones
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3 Sgt.

Cpl. Lachowski
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3
Officer

Officer Wright
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3
Officer

Officer Gunn
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3
Officer

Officer Childs
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3
Officer

Officer Shiplett
500 Folar Trail
North Prince George, VA 23860

Housing Unit 3
Officer

7/28/18

Officer Bryant
500 Folair Trail
North Prince George, VA 23860

Housing Unit 3
Officer

Officer Solomon
500 Folair Trail
North Prince George, VA 23860

Riverside Reg. Jail
Kitchen Patrol officer

Trinity Food Services
Mr. Keith, Food Service Mgr.
500 Folair Trail
North Prince George, VA 23860

Chaplin Joe Collins
500 Folair Trail
North Prince George, VA 23860

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

Riverside Regional Jail

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No []

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☒] No []

2. If so, where and when: 5/21/18, 5/25/18, 5/26/18, 5/27/18, etc.

3. What was the result? No Response Given to all except 1 which I appealed and No Action was taken on that appeal

4. Did you appeal? Yes [☒] No []

5. Result of appeal: No Action taken

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [] No []

If your answer is Yes, what steps did you take? _____

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: _____

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

During the month of Ramadan, each defendant had personal knowledge & involvement of the violation of my 1st Amendment Right after being made aware of the proper feeding times for Muslims from 5/16/18 - 6/7/18, as well as having several grievances written & submitted via Paper Grievance as well as on the Pod Kiosk system. No changes were made with the earliest Grievance being submitted on 5/17/18. Now on 5/24/18, during Ramadan, around sunset time (Maghrib) Tray, while Officer Gunn was running Housing Unit E and Cpl Lachowski was running Housing Unit 3 unit control (which controls Housing Unit A-E) I was only provided with one Common Fare tray in which according to the Ramadan Contract I signed in order to participate as well as state law states that I'm entitled to 2 meals once the sun has went down. Now I was only provided with 1 meal by Officer Gunn and once I stated to her I am missing my Common Fare Bag her response was there is no such thing as a Common Fare Bag so once I continued to complain she placed a call to Unit Control which was being ran by Cpl Lachowski she said "He also said there is no such thing as a

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. _____ (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 300,000.00

☐ Grant injunctive relief by _____

☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 29 day of July, 2018

Plaintiff Mitchell Yy

Amended Complaint Continued Pg. 2

7/29/18

Common Fare Bag and if there is I'm not going to get one." Now this particular time of day was after the kitchen was closed which resulted in me not being fed a whole meal.

On 5/25/18, I stated to Sgt. Jones as a Muslim my sunset tray (Maghrib) should be warm when served. Sgt. Jones stated to me "I don't care if the tray is warm or cold. Get out of my face. If you have a problem file a grievance."

On the morning of 5/28/18, Sgt. Armstrong stated to me once when the trays were ^{late} that he knew exactly when the trays were to be passed out he does this every year but said he wasn't going to get any trays because he didn't feel like it.

Next, on 5/29/18, another occasion breakfast trays were late again they were brought in by officer Shiplett & Officer Childs. I denied the tray due to the fact it was past the fajr salah time at that point I was asked repeatedly by Ofc. Childs to take the tray she also admitted to knowing the trays were late by saying "I know they're late just take them. No one is gonna tell."

Ofc. Shiplett then stated "yeah the trays have been ready but I had to catch up on my rounds in other pods/units first."

Shortly after that day while still observing Ramadan on 5/29/18 Ofc. Bregant stated to me after I denied my tray due to the fact that it was late "that even though they were available for some time now and I know you all ^{have} to eat

by a certain time I just can't do it when it's supposed to be done. Sorry"

Also, I was told by Cpl. Lachowski on a particular day that it's no need to continue to grieve us we have been doing Ramadan for years as Cpl. Wright nodded in agreement. (5/26/18)

Now, Ofc. Solomon that works Patrol in the kitchen was made aware of the Salah time frames through the Grievance Procedure and after being informed of the issue she said "that she was not going to alter her schedule or come in earlier to feed them" (speaking of Muslims participating in Ramadan) and this message was relayed to us by an officer Taylor.

Next, Trinity Food Services Manager Mr. Keith was made aware of my communal fare tray issues as a whole through the Grievance Procedure dealing with the Cleanliness of the Tray, Food Temp/ Portions & the Blessings of the Food by an imam at no particular time have any of the problems been fixed. Even ~~now~~ now that Ramadan has ended I still continue to receive cold, dirty, & disproportionate trays after an Inmate Grievance Response was sent to me stating that the problem will be corrected. (5/24/18)

Next, Sgt. Talley, An Inmate Grievance Officer, who has only returned exactly 1 of my many Grievances that I have submitted & who also continues to deny the existence of all my

Amended Complaint pg. 4

7/29/18

other many Grievances, has personal knowledge and Involvement of the violation of my 1st Amendment Right because he has made no attempt to recover any of my other Grievances and because even after I made him aware of the problem I was GRIEVING and he said he would check into the matters nothing happened. Even after I asked him to stick around and see the trays for himself he declined the offer and left the POD. 6/15/18

Also, Sgt. Spratley, An Inmate Grievance officer, who has responded to my one Grievance & Appeal has told me "that I don't have any Grievances on File Step 1 or Step 2 to even obtain an '983 form" has personal knowledge & Involvement in violating my 1st Amendment Right mainly because of the retaliatory nature & undue delay in regards to the many other grievances I have submitted pertaining to this matter which has hindered immediate relief to issues on said grievances that were either hidden or blatantly destroyed.

During the month of Ramadan, the volunteer imam, provided us with Qurans. Chaplin Joe Collins said we would only be able to receive them at his discretion. At no point since they arrived has the chaplain made them available. At this point I'm being Devoid of all Islamic material that should be made available per request. Chaplin Joe Collins also frequently moves the times of Jumah on Fridays which takes the Muslims in Housing Unit 3 out of the Dhunur Salah time frame

If he allows Jumah at all which was actually cancelled on 6/8/18. However, all other Religious Denominations are able to meet and worship several times a week.

Next, Jeffery Newton, Superintendent of Riverside Regional Jail, continues to retain Personal Knowledge and Involvement in the violation of my 1st Amendment right. Even though no one on care contact was made or statements he shall be held accountable under the Principle Agent theory in which each Defendant acted under his command or authority in which he can be held liable for their actions and or alleged violations. through constructive notice.

Often, throughout Ramadan I can be viewed in my assigned cell offering salah at various scheduled times during each day as well as in Jumah or Fridays. Also, I can be viewed on pod security cameras filling out & turning in various grievances to different officers assigned to control this Housing Unit on the aforementioned dates and others as well.

Furthermore, My A1C Blood sugar count had to be checked on more than one occasion during Ramadan (last checked 6/7/18 by nurse Campbell) due to the negligence of each defendant and their non-compliance of my Islamic Beliefs by each defendant named.

Due to these violations, by each defendant named, I have been mentally, physically & emotionally scarred and the damage is irreprehensible. The residual effects of these acts can be felt daily in the social & religious climate around me dealing with inmate to officer relationships and or interaction.

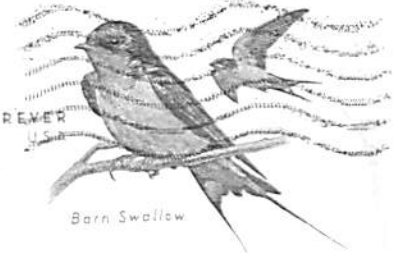
Mitchell Young #37461

500 Foliar Trail

North Prince George VA 23860

RICHMOND VA 230

31 JUL 2018 PM 7 FOREVER
USA



UNITED STATES District Court

Eastern District of Virginia

701 East Broad St.

Suite 3000

Richmond, VA 23219-3528

23219-352899

